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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/690,692	10/16/2000	Eric Engstrom	41003.P023	3269

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EXAMINER

EL CHANTI, HUSSEIN A

ART UNIT PAPER NUMBER

2157

DATE MAILED: 07/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/690,692

Applicant(s)

ENGSTROM ET AL.

Examiner

Hussein A El-chanti

Art Unit

2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is responsive to amendment received on Feb. 17, 2004. Claim 22 was amended. Claims 1-30 are pending examination.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-4, 6, 7, 9, 10-12, 14 and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Chou, U.S. Patent No. 6,327,533.

As to claim 1, Chou teaches a method comprising:

a mobile device, on behalf of a user, submitting an identity of the user to a messaging service, including a current location of the user (see col. 11 lines 15-21, where the location server comprises the messaging service);

the messaging service, in response selecting a recipient remotely disposed from the mobile client device and the messaging service to receive the user's current location for information purpose based at least in part on the identity of the user (see col. 11 lines 21-31 and col. 10 lines 27-56); and

transmitting the user's current location to the selected recipient (see col. 11 lines 21-31).

As to claim 2, Chou teaches the method of claim 1 wherein the method further comprising accumulating submitted locations of the user to form an activity log of the user (see col. 7 lines 4-18 and lines 38-41).

As to claim 3, Chou teaches the method of claim 2 wherein said recipient is also to receive the activity log and said transmitting includes transmitting said activity log (see col. 7 lines 4-18 and lines 38-41).

As to claim 4, Chou teaches the method of claim 3 wherein the activity log of the user further comprises a duration of time at the locations visited by the user (see col. 7 lines 4-18).

As to claim 6, Chou teaches the method of claim 5 wherein automatically determining of the user's current location comprises the mobile client device accessing a global positioning system (GPS) (see col. 3 lines 15-25).

As to claim 7, Chou teaches the method of claim 1 wherein the method further comprises the messaging service accessing a navigation web site to obtain map related information, and said transmitting further comprises including said obtained map related information (see col. 7 lines 54-67 and col. 10 lines 57-col. 11 lines 5).

As to claim 9, Chou teaches the method of claim 1 wherein said transmitting is performed automatically in response to a request from an empowered recipient instead (see col. 10 lines 27-48).

As to claim 10, Chou teaches the method of claim 1 wherein submitting comprises submitting via a wireless communication link (see col. 3 lines 15-25).

As to claim 11, Chou teaches the method of claim 1 wherein said selecting comprises selecting the one or more recipients from a predetermined table of candidate recipients with each candidate recipient having an eligibility duration (see col. 10 lines 27-56, each tracking device has an associated list of authorized users that can access the location of the device).

As to claim 12, Chou teaches the method of claim 1 wherein transmitting comprises transmitting via a wireless communication connection (see col. 3 lines 15-25).

As to claim 14, Chou teaches a mobile apparatus comprising:

a storage medium having stored therein a plurality of instructions that are machine executable wherein the executing instructions operate to submit an identity of a user and a current location of the user to a messaging service on behalf of the user to enable the messaging service to select in response a recipient remotely disposed from the apparatus and the message service to receive the user's current location based at least in part on the identity of the user and transmit the user's current location to the selected one or more recipient's; and

a processor coupled to the storage medium to execute the instructions (see col. 11 lines 15-21, col. 11 lines 21-31, col. 10 lines 27-56 and fig. 2 and its corresponding illustration, where the location server comprises the messaging service).

As to claim 22, Chou teaches an apparatus comprising:

a storage medium having stored therein a plurality of instructions to receive a submission of an identity of a user and a current location of the user from a mobile

client device of the user to select in response one or more recipients to receive the user's current location based at least in part on the identity of the user and to transmit the user's current location to the selected one or more recipients (see col. 11 lines 15-21, col. 11 lines 21-31, col. 10 lines 27-56 and fig. 2 and its corresponding illustration).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 5 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chou in view of Barker et al., U.S. Patent No. 6,542,075 (referred to hereafter as Barker).

Chou teaches a method comprising a mobile device, on behalf of a user, submitting an identity of the user to a messaging service, including a current location of the user, the messaging service, in response selecting a recipient remotely disposed from the mobile client device and the messaging service to receive the user's current location for information purpose based at least in part on the identity of the user and transmitting the user's current location to the selected recipient (see the rejection of claim 1).

Chou does not explicitly teach the limitation "determining one or more bio-metric data of the user". However Barker teaches a method configurable security monitoring for determining one or more biometric data of the user (see col. 5 lines 42-62).

It would have been obvious for one of the ordinary skill in the art at the time of the invention to modify Chou by implementing a step to determine one or more biometric data of the user as taught by Barker because doing so would allow the recipient to monitor the health condition of a user and therefore recipient being a doctor could continuously monitor the condition of a patient and take necessary actions in case a normal biometric level is exceeded.

As to claim 8, Barker teaches selecting a dedicated function button or a biometric data of the user exceeding a predetermined threshold (see claims 1 and 2).

4. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chou in view of Beaton et al., U.S. Patent No. 6,442,263 (referred to hereafter as Beaton).

Chou teaches a method comprising a mobile device, on behalf of a user, submitting an identity of the user to a messaging service, including a current location of the user, the messaging service, in response selecting a recipient remotely disposed from the mobile client device and the messaging service to receive the user's current location for information purpose based at least in part on the identity of the user and transmitting the user's current location to the selected recipient (see the rejection of claim 1).

Chou does not explicitly teach the limitation "selecting a transitory recipient manually input by the user at the mobile client device". However Beaton teaches a method of selecting a transitory recipient manually input by the user at the mobile client device (see col. 10 lines 54-65, the caller can optionally transmit and receive the location of the caller and the recipient).

It would have been obvious for one of the ordinary skill in the art at the time of the invention to modify Chou by implementing a step to select a transitory recipient manually input by the user at the mobile client device as taught by Beaton because doing so would allow the user to send the current location to a selected receiver and therefore being able to send current location in case of emergency to a hospital, police station, etc...

5. Claims 15-21 and 23-30 do not define or teach any additional limitation over claims 1-14 and therefore are rejected for similar reasons.

6. The declaration filed on Feb. 17, 2004 under 37 CFR 1.131 has been considered but is ineffective to overcome the (Chou, U.S. Patent No. 6,327,533) reference.

The evidence submitted is insufficient to establish a conception of the invention prior to the effective date of the (Chou, U.S. Patent No. 6,327,533) reference. While conception is the mental part of the inventive act, it must be capable of proof, such as by demonstrative evidence or by a complete disclosure to another. Conception is more than a vague idea of how to solve a problem. The requisite means themselves and their interaction must also be comprehended. See *Mergenthaler v. Scudder*, 1897 C.D. 724, 81 O.G. 1417 (D.C. Cir. 1897).

The submitted documents does not show proof of "the messaging service, in response selecting a recipient remotely disposed from the mobile client device and the messaging service to receive the user's current location for information purpose based at least in part on the identity of the user".

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.


8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hussein A El-chanti whose telephone number is (703)305-4652. The examiner can normally be reached on Mon-Fri 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (703)308-7562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Hussein El-chanti

June 29, 2004


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SUPERVISORY PATENT EXAMINER
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